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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

TAMIE RICHARDSON,

Plaintiff,

vs.

First Horizon Home Loan Corporation,

Defendant.

Case No.: 10-3034

**DEFENDANT'S RESPONSE TO
PLAINTIFF'S
PRODUCTION REQUEST**

COMES NOW the Defendant, First Horizon Home Loan Corporation ("Responding Party"), by and through their attorney of record, Holger Uhl of McCarthy & Holthus, LLP, and respond as follows:

PRELIMINARY STATEMENT

The responses set forth below are made solely for the purpose of the above-entitled action. Each response is subject to all objections as to competence, relevance, materiality, propriety, admissibility, and any and all other objections or grounds, which would require the exclusion of any statement herein if the interrogatories were asked of, or if any statement contained herein was made by, a witness present and testifying in court, all of which objections or grounds may be asserted at the time of trial.

Discovery Response

M&H# OR10-3924

McCarthy & Holthus LLP
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1 Defendants do not make any incidental or implied admissions with regard to the contents
 2 of the requested documents contained herein. Rather, the fact that Defendant has responded or
 3 objected to any request(s), or part(s) thereof, should not be understood or interpreted to mean
 4 that Defendants accepts or admits the existence of any facts set forth or assumed by Plaintiff's
 5 request, or that such responses or objection constitutes admissible evidence. The fact that
 6 Defendants have answered all or part of any request is not intended, nor shall it be construed, as
 7 a waiver by Defendants of all, or any part of any, objections to any request.

8 Defendants have not yet completed its investigation of the facts related to the present
 9 action, and as such, has not completed its discovery or its preparation for trial. Accordingly, the
 10 following responses are based upon information known to Defendants at this time, and are given
 11 without prejudice to Defendants right to produce subsequently discovered evidence and facts,
 12 and to supplement, amend, modify, or otherwise change its responses contained herein.

13 To the extent that a request calls for information that was prepared in anticipation of
 14 litigation or for trial, or for information or material covered by the attorney-work product
 15 doctrine, or which constitutes information that is privileged or proprietary, confidential, or a
 16 trade secret(s), Defendants object to such request, and thus, will neither supply nor render any
 17 documents protected from discovery by virtue of these doctrines and privileges.

GENERAL OBJECTIONS

- 17 1. Defendants object to Plaintiff's requests as a whole, and to each request contained therein, to
 18 the extent that they seek information which is not relevant to the subject matter of this litigation
 19 and are not reasonably calculated to lead to the discovery of admissible evidence.
- 20 2. Defendants object to Plaintiff's requests as a whole, and to each request contained therein,
 21 to the extent that they call for information which is protected from disclosure by the attorney-
 22 client privilege and/or work product doctrine, and/or any other applicable privilege or immunity.
- 23 3. Defendants object to Plaintiff's requests as a whole, and to each request contained therein,
 24 to the extent that they are overly broad and require Defendants to make an unreasonable and
 25 unduly burdensome investigation. The search for and production of information requested in
 Plaintiff's requests would consume many hours of effort at great and unreasonable expense to

1 Plaintiff and would yield information which is neither relevant to, nor reasonably calculated to
 2 lead to the discovery of admissible evidence relating to, the issues in the present action.

3 4. Defendants object to Plaintiff's requests as a whole, and to each request contained therein,
 4 to the extent that they request Defendant to identify or produce information not in its possession,
 custody, or control, or documents which are equally available to Plaintiff.

5 5. Defendants object to Plaintiff's requests as a whole, and to each request contained therein, to
 6 the extent that the request requires Defendant to generate documents and/or records not kept
 7 within the normal course of business.

8 All General Objections are incorporated by reference into each Response as though set forth in
 9 full therein.

10 **RESPONSE TO REQUEST FOR PRODUCTION**

11 **Request No.13.** Certified copy of the complete printout of the Custodial Record for loan
 12 #0052773397 for Deed of Trust dated 4/8/2005, recorded 4/15/2005. (Docket #2005008429) and
 13 loan modification dated 3/24/2006 and recorded 3/29/2006. (Docket #2006-06558). The printout
 14 should reflect all activity including when it moved into and out of any, and all, securitization
 pools.

15 **RESPONSE:** Attached hereto are accurate copies of the following documents:

- 16 a. The promissory note for the referenced loan. Said copy contains a "Document Header"
 17 which contains the custodial information for said note. The Original Note is currently in
 18 the physical custody of McCarthy & Holthus, LLP as a result of this litigation.
- 19 b. Recorded Assignment of the Deed of Trust recorded 4/15/2005 as Instrument Number
 20 #2005008429, records of Josephine County, Oregon. Said assignment is dated October
 21 16, 2009, was executed on December 8, 2009 and recorded December 28, 2009 as
 22 instrument Number 2009020021, records of Josephine County, Oregon.
- 23 c. Pooling and Servicing Agreement as deposited with the SEC for the FIRST HORIZON
 24 ALTERNATIVE MORTGAGE SECURITIES TRUST 2006-AA3, MORTGAGE PASS-
 THROUGH CERTIFICATES, SERIES 2006-AA3.
- 25 d. Mortgage Loan Purchase Agreement as deposited with the SEC for the FIRST HORIZON
 ALTERNATIVE MORTGAGE SECURITIES TRUST 2006-AA3, MORTGAGE PASS-THROUGH
 CERTIFICATES, SERIES 2006-AA3.
- e. Excerpt from the Schedule of Loans for the FIRST HORIZON ALTERNATIVE
 MORTGAGE SECURITIES TRUST 2006-AA3, MORTGAGE PASS-THROUGH
 CERTIFICATES, SERIES 2006-AA3, showing loan Number 0052773397 as an asset of
 said trust.
- f. Loan Level Detail printout

1 **Request No.14.** Copies of tracking information relative to my loan file #0052773397 which
2 would demonstrate the removal of any documents or files from the vault or storage area, for any
3 purpose, including, but not limited to, attaching allonges or endorsements or mailing of my file to
4 an attorney.

5 **RESPONSE:** Except as set forth in the response to Request No. 13, no tracking records exist.

6 **Request No.15.** Any written instructions or any type of documentation, documenting or
7 demonstrating the attachment of any allonge(s) to my note.

8 **RESPONSE:** Except as set forth in the response to Request No. 13, no documents exist.

9 **Request No.16.** Anything documenting the return of the promissory note and any allonge(s) to
10 the vault or storage area.

11 **RESPONSE:** See response to Request No. 13.

12 **Request No.17.** Anything that discloses the reason you were instructed to execute any allonge(s)
13 or assignment(s) on my loan.

14 **RESPONSE:** See response to Request No. 13.

15 **Request No.18.** Documents which would show the sale of the promissory note to another entity
16 or entities.

17 **RESPONSE:** Attached hereto is an accurate copy of the promissory note for the referenced loan.
18 Said copy contains all applicable endorsements. Also see response to Request No. 13.

19 **Request No.19.** Documentation showing the current owner/investor information of my note
20 which was reflected as Investor #6790011291 on the Rescission of Notice of Default dated
21 3/29/2010, notarized 3/29/2010 by Tracy Marie Conrad and recorded 3/30/2010. (Docket #2010-
22 004089)

23 **RESPONSE:** Said Investor Number is an internal tracking number used by the processing
24 system used by the foreclosing trustee. It identifies the Bank of New York Mellon f/k/s The
25 Bank of New York, as trustee for the holders of the Certificates, First Horizon Mortgage Pass-
Through Certificates Series FHAMS 2006-AA3.

26 DATED: February 17,, 2011

27 /s/ Holger Uhl

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29 Holger Uhl, OSB# 950143
30 Attorney for Defendant

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ATTACHMENT
LIST OF DOCUMENTS PRODUCED

		# Pages
a.	Copy of the Promissory note for the referenced loan, including "Document Header"	12
b.	Recorded Assignment of the Deed of Trust recorded 4/15/2005 as Instrument Number #2005008429, records of Josephine County, Oregon.	2
c.	Pooling and Servicing Agreement as deposited with the SEC for the FIRST HORIZON ALTERNATIVE MORTGAGE SECURITIES TRUST 2006-AA3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-AA3.	187
d.	Mortgage Loan Purchase Agreement as deposited with the SEC for the for the FIRST HORIZON ALTERNATIVE MORTGAGE SECURITIES TRUST 2006-AA3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-AA3	22
e.	Excerpt from the Schedule of Loans for the for the FIRST HORIZON ALTERNATIVE MORTGAGE SECURITIES TRUST 2006-AA3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-AA3, showing loan Number 0052773397 as an asset of said trust.	2
f.	Loan Level Detail Printout	2